

in every American scrap book. On this point Justice Brown said:

"Large powers must necessarily be intrusted to congress in dealing with these problems, and we are bound to assume that they will be judicially exercised. That these powers may be abused is possible. But the same may be said of its powers under the constitution as well as outside of it. Human wisdom has never devised a form of government so perfect that it may not be perverted to bad purposes. It is never conclusive to argue against the possession of certain powers from possible abuses of them. It is safe to say that if congress should venture upon legislation manifestly dictated by selfish interests it would receive quick rebuke at the hands of the people."

Having been dispossessed of the advantages of a written constitution we have the right to hope that the men whom we elect to office will not abuse the extraordinary power conferred upon them by the United States Supreme Court.

It is an amazing bit of logic for a dignified justice of the highest court in this land to contend that a fear that congress might abuse the unlimited power given it by the Supreme Court should be quieted by the reflection that "the same may be said of its powers under the constitution as well as outside of it."

Justice Brown says that "human wisdom has never devised a form of government so perfect that it may not be perverted to bad purposes." True, indeed, and because the statesmen of this country realized that fact, having had it burned into them by the hot iron of experience, they provided limitations upon the authority and power of their public servants. They never dreamed of giving unlimited authority to their public officials; and when they devised this government and improved it by placing certain powers with the states, when they denied certain powers to the states and gave federal authorities certain powers specifically set forth in a written constitution, resting the whole frame-work upon a foundation of justice, liberty and equality to all men and to all sections of this country, they devised the best form of government yet conceived, and their handiwork was never so much endangered as it was by the opinion delivered by Mr. Justice Brown.

In his effort to further quiet those who apprehended danger by reason of the unlimited power bestowed by the Supreme Court on the federal authorities, Justice Brown said:

"Grave apprehensions of danger are felt by many eminent men—a fear lest an unrestrained possession of power on the part of congress may lead to unjust and oppressive legislation, in which the natural rights of territories or their inhabitants may be engulfed, find no justification in the action of congress in the past century, nor in the conduct of the British parliament toward its outlying possessions since the American revolution."

This is sublime reassurance: Those who fear that an "unrestrained possession of power on the part of congress may lead to unjust and oppressive legislation" in which the natural rights of men may be engulfed have only to look at the action of congress during the past century.

But if this is not sufficient Mr. Justice Brown bids them look at the "conduct of the British parliament toward its outlying possessions since the American Revolution."

To what a glorious field for inspection this

justice of the Supreme Court has invited the American people!

Under this opinion we are about to embark on Great Britain's colonial policy and to reassure ourselves, to quiet our conscience, we have but to look at the history of Great Britain toward its outlying possessions "since the American Revolution."

An inspiring spectacle, indeed!

We may look at South Africa where Great Britain's "unrestrained possession of power" has destroyed two promising republics and has drenched the soil with the blood of patriots; we may look at India whose people have been dying by starvation for years—at India where on several occasions the bounty and generosity of the American people have been necessary in order to save human beings, living under the sovereignty of Great Britain, from death by starvation.

We may look at Ireland, whose population today is 4,000,000 less than it was in 1841; at Ireland whose people have been defrauded of their natural rights; at Ireland whose people have been denied the highest aspirations and the purest ambitions; at Ireland whose people have been burdened with unjust laws, with outrageous taxes, with infamous decrees; at Ireland whose people have fled from British sovereignty or died with broken hearts and famished bodies. Wherever you go, whether you find the Irishman at home or abroad, you will find a hater of British sovereignty and a living witness to the fact that British rule over the peoples who are denied equal participation in British government has been unjust to the people governed and discreditable to the governing power.

A Republican View.

The St. Louis Globe-Democrat says that only congress itself can add a word to the terms offered to the Cubans by the Platt amendment or subtract a word from it."

It would seem that the administration organs have changed their opinions concerning the executive and legislative prerogative. We recollect that when it was urged, prior to the adoption of the war resolutions, that the United States should recognize the independence of the Cuban republic, it was argued by republican newspapers and republican leaders that the recognition of a nation's independence was purely an executive act, because upon the executive rested the responsibility for sending diplomatic representatives to the courts entitled to such representatives.

Now we are told by these same republican newspapers that "only congress itself can add a word to the terms offered the Cubans by the Platt amendment or subtract a word from it;" and that the Platt amendment is the law of the land.

The law of what land? The law of a land with respect to which both our executive and our congress have expressly disclaimed the intention of exercising the slightest act of sovereignty?

Whatever may be the opinion as to whether the recognition of independence is an executive or legislative act, the independence of the

Cuban people was firmly recognized in the war resolutions,—resolutions passed by the congress and approved by the president. In those resolutions it was declared that the Cuban people "are," and then to give strength to this declaration it was said, "and of right ought to be free and independent." In those resolutions the congress and the president declared that it was not the intention of the United States to exercise "sovereignty, jurisdiction or control over the island of Cuba, except for the pacification thereof," and that, when that was accomplished, the island was to be left to the control of its people.

Now, if the position taken by Mr. McKinley and his counsellors prior to the adoption of the war resolutions, namely, that the recognition of a nation is an executive act was correct, then the recognition of the Cuban republic is today purely an executive act. Has pacification in Cuba been accomplished? That is the question confronting the President of the United States. If that question can be answered in the affirmative then it becomes his duty as soon as a government has been formally organized there to withdraw the troops and leave the "sovereignty, jurisdiction and control" of that island to the people who "are and of right ought to be free and independent."

The people of Cuba were not free and independent because the congress and the president of the United States said so. That declaration was simply the recognition of a truth. They were free and independent because they "of right ought to be free and independent." Their rights in this respect did not depend upon the sanction of politicians in the United States. Their rights came from the same divine source from which our own rights came, and if they are free and independent, if we do not intend to exercise "sovereignty, jurisdiction or control" over the island of Cuba, then the congress of the United States has no more right to enact laws for the government of Cuba or for the guidance of its people than it would have to enact laws for the republic of France or the empire of Germany.

The Globe-Democrat warns the people of Cuba that "an acceptance of the Platt amendment just as written" is all that is necessary to speedily set in motion a Cuban home government. But, adds The Globe Democrat: "The Platt amendment becomes something else when a single word is added or stricken out." This position is hardly as generous as the position taken by the people of Great Britain toward the South African republic. The British statesmen conceded that it took two to make a bargain. They conceded that in order to obtain suzerain rights in the South African republic they must have the consent of the representatives of that republic. And Great Britain rested every claim it made, not upon an act of Parliament, not upon the arbitrary decree of British statesmen, but upon a solemn agreement entered into between the representatives of Great Britain and the representatives of the South African republic.

To be sure Great Britain placed its own interpretation upon that agreement, but it had at least the good taste to go through the form of an agreement, and it had at least the good judgment to refrain from arbitrarily enacting laws for the guidance and the government of a nation over which Great Britain did not pretend to exercise sovereign rights. According to the Globe-Democrat it only takes one to make a bargain when that one is big enough to enforce any demand which it makes.